



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 17, 1992

Mr. James D. Bonham  
Attorney  
Smith, Murdaugh, Little & Bonham  
1200 Travis Street, Suite 1800  
Houston, Texas 77002-6098

OR92-28

Dear Mr. Bonham:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14591.

The Southbend Municipal Utility District ("the district"), which you represent, has received a request for a copy of the settlement agreement between the district and Farm & Home. You claim that the requested information is excepted from required public disclosure by section 3(a)(3) of the Open Records Act.

Section 3(a)(3) excepts:

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated. Open Records Decision No. 551 (1990). You confirm that the settlement agreement in question represents the conclusion of the litigation in question. Accordingly, you may not withhold the agreement under section 3(a)(3).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-28.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sarah Woelk", with a stylized, cursive script.

Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/GK/lcd

Ref.: ID# 14591

cc: Ms. Marie Flickinger  
Co-Publisher  
South Belt-Ellington Leader  
11555 Beamer Road  
Houston, Texas 77089